

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

ELECTRONIC PRIVACY INFORMATION
CENTER

Appellant,

v.

PRESIDENTIAL ADVISORY COMMISSION
ON ELECTION INTEGRITY, *et al.*,

Appellees.

Case No. 17-5171

STATEMENT OF ISSUES

Pursuant to this Court's order of July 27, 2017 and D.C. Circuit Rule 28(a)(1), the Electronic Privacy Information Center ("EPIC") submits the following Statement of Issues:

1. Whether the District Court erred in holding that this Court's interpretation of "agency" in *Soucie v. David*, 448 F.2d 1067 (D.C. Cir. 1971), determines the meaning of "agency" under Chapter 7 of the Administrative Procedures Act, 5 USC § 701, even though this Court has previously found that section 701 applies to agencies that do not have "substantial independent authority" under *Soucie*.

2. Whether the District Court erred in holding that APA review is unavailable for the collection of state voter data by Defendant Presidential Advisory Commission on Election Integrity.
3. Whether the plain text of the Executive Order and the Commission Charter require the Defendant General Services Administration to provide all the services, funds, facilities, staff, and equipment necessary to carry out the Commission's collection of state voter data.

Respectfully Submitted,

Dated: August 18, 2017

/s/ Marc Rotenberg

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CERTIFICATE OF SERVICE

I, Marc Rotenberg, hereby certify that on August 18, 2017, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the CM/ECF system. The following participants in the case who are registered CM/ECF users will be served by the CM/ECF system:

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